

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/032,717 Confirmation No.: 5409
Applicant(s): Abad *et al.*
Filed: October 23, 2001
Art Unit: 1638
Examiner: Kubelik, Anne R.
Title: GENES ENCODING NOVEL BACILLUS THURINGIENSIS PROTEINS
WITH PESTICIDAL ACTIVITY AGAINST COLEOPTERANS

RECEIVED
CENTRAL FAX CENTER
AUG 11 2006

Docket No.: 035718/237005
Customer No.: 29122

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


**NOTICE OF APPEAL TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES (37 C.F.R. § 43.31)**

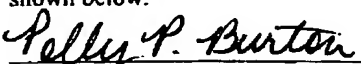
Applicant in the above-identified patent application hereby appeals to the Board of Appeals and Interferences from the decision dated May 18, 2006. This Appeal is timely as the pending claims have been twice rejected by the Examiner.

The fee for this Notice of Appeal under 37 CFR § 41.20(b)(1) is enclosed.

- ☐ Applicant claims small entity Status.
- ☐ A check is enclosed.
(\$500.00 for large entity fee or \$250.00 if small entity status)
- ☒ No fee is due. Per MPEP 1207.04, the fee paid for the previous Notice of Appeal should be applied for this request.
- ☐ Please charge Deposit Account No. 16-0605 for the Notice of Appeal Filing Fee.
- ☒ Any additional fee or refund may be charged to our
Deposit Account No. 16-0605.
- ☐ A petition for an extension of time under 37 CFR § 1.136(a) is enclosed.

Respectfully submitted,


W. Murray Spruill
Registration No. 32,943

Customer No. 29122 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	CERTIFICATION OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.  Polly P. Burton 8/11/06 Date
--	--

LEGAL01/13014096v1